IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 1581 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02/09/2004 in WP NO : 872 OF 1992 on the file of the High Court.)

Between:

Chaganti Sathyanarayana Reddy, S/o Butchiramireddy,Hindu,
R/o. Garapadu village, Vatticherukur Mandal, Guntur District.

..... APPELLANT

AND

1 Kidambi Nammalvar (died).
2 The District Judge, Guntur, (Tenancy Appellate Tribunal),
Guntur.
3 The Special Officer -cum- District Munsif, Guntur.
4 K. Srinivasacharyulu, S/o Late K. Nammalvar, Hindu,
R/o 24-3-50, R. Agraharam, Guntur.

.....RESPONDENTS

Counsel for the Appellant: MR.RAJA REDDY KONETI

Counsel for the Respondent No.2:

Counsel for the Respondent No.3: GP FOR REVENUE

Counsel for the Respondent No.4: Mr. B. Krishnamohan

The Court made the following Judgment:

JUDGMENT: (Per Hon'ble Sri B.Sudershan Reddy, J)

The order of the learned single Judge, in our considered opinion, does not suffer from any legal infirmity or jurisdictional errors requiring our interference. Learned Judge rightly noticed that the Tribunal as well as the appellate Tribunal concurrently found that the appellant herein committed willful default in payment of rents and accordingly his eviction was ordered by the Tribunals below. That such concurrent finding of facts cannot be interfered with by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India.

Sri K. Raja Reddy, learned counsel for the appellant, however, strenuously contended before us that the land in question is Inam land covered by the provisions of the Act 37 of 1956, as such, the appellant is entitled to grant of patta in respect of 2/3rd of the land while the respondent-landlord is entitled only for 1/3rd of the land and therefore the petition filed by the respondent ought to have been dismissed as not maintainable.

It is true that such a plea was taken by the appellant herein in a very half-hearted manner before the Tribunal without producing any evidence whatsoever in support of his contention. In the circumstances, no detailed investigation has been undertaken by the Tribunal. It appears, the contention was not even raised before the appellate Tribunal. Therefore, no specific findings, as such, is required. The fact remains that the petitioner did not dispute the relationship between the landlord and the tenant before any of the authority. The only point that had fallen for consideration before Tribunal was whether the appellant (petitioner) committed any willful default in payment of maktha. The authorities below concurrently found that the appellant herein committed willful default in payment of rents.

For the aforesaid reasons, we find no merit in this appeal and the same shall accordingly stand dismissed without any order as to costs.

This order shall not preclude the appellant to avail the remedies, if any, under the Act 37 of 1956, seeking grant of patta under the provisions of the said Act, in which event, the matter shall be considered on its own merit uninfluenced by the observations, if any, made in these proceedings.

B. Sudershan Reddy,J

K.C. Bhanu,J

Date: 14.10.2004

VA/PV

To

1. The District Judge, Guntur, (Tenancy Appellate Tribunal), Guntur.
2. The Special Officer -cum- District Munsif, Guntur.
3. Two CCs to G.P for Revenue, High Court of A.P. Buildings, Hyderabad (OUT)
4. Two CD Copies.